

Kenneth B. Black (05588)
ken.black@stoel.com
Michael R. Menssen (15424)
michael.menssen@stoel.com
STOEL RIVES LLP
201 S. Main Street, Suite 1100
Salt Lake City, UT 84111
Telephone: (801) 328-3131

*Attorneys for Defendants PolarityTE, Inc.,
Denver Lough, Michael Beeghley, Willie C.
Bogan, Jeff Dyer, Steven Gorlin, Jon Mogford,
John Stetson and Edward Swanson*

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

HENRY MONTHER, derivatively on behalf
of POLARITYTE, INC.,

Plaintiff,

v.

DENVER LOUGH, MICHAEL
BEEGHLEY, WILLIE C. BOGAN, JEFF
DYER, STEVEN GORLIN, JON
MOGFORD, JOHN STETSON, and
EDWARD SWANSON,

Defendants,

and

POLARITYTE, INC.,

Nominal Defendant.

**ORDER GRANTING STIPULATED
MOTION FOR VOLUNTARY
DISMISSAL OF ACTION PURSUANT
TO FEDERAL RULES OF CIVIL
PROCEDURE 23.1 AND 41**

Case No. 2:18-cv-00791-TC

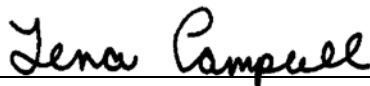
Hon. Tena Campbell

Pursuant to the Stipulated Motion Regarding Voluntary Dismissal of Action Pursuant to Federal Rules of Civil Procedure 23.1(c) and 41(a) (the “Stipulated Motion”) (ECF No. 14), and good cause appearing:

1. This Action shall be dismissed on the terms provided for in the Stipulated Motion, without prejudice as to Plaintiff, Polarity, and/or any other Polarity stockholder.
2. Notice to Polarity stockholders of this dismissal beyond the public filing of this Order is unnecessary because (i) the dismissal is without prejudice to the ability of any Polarity stockholder, or Polarity itself, to pursue the claims asserted in the Action; and (ii) there has been no settlement or compromise of the Action.
3. The Parties shall bear their own fees, costs, and expenses in connection with the Action.

IT IS SO ORDERED.

Dated: January 28, 2021



The Honorable Tena Campbell
United States District Court Judge